

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RODNEY KYLE,

Plaintiff,

09-cv-90-bbc

v.

MARION FEATHER, Assistant Warden;
P.D. SHANKS and OFFICER GALLO,

Defendants.

Plaintiff Rodney Kyle is proceeding on a claim that defendants violated his right to equal protection by refusing to allow him to share a cell with another prisoner on the basis of race. Now before the court is plaintiff's motion for entry of default against defendants. This motion must be denied because as I stated in my June 26, 2009 opinion and order, the defendants were not properly served. To correct the deficiency, I sent a copy of the summons and complaint via certified mail to the U.S. Attorney General and the U.S. Attorney for the Western District of Wisconsin in accordance with Fed. R. Civ. P. 4(i)(3). As defendants point out in their response, they have 60 days from that date to file an answer and are not in default.

ORDER

IT IS ORDERED that plaintiff's motion for entry of default, dkt. # 29, is DENIED.

Entered this 3d day of August, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge